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RAISE THE AGE ANNUAL REPORT

for the period from



Department of Youth Services

Raise the Age Report

October 1, 2014 to September 30, 2015

Background:

On September 18, 2013, Massachusetts raised the age of juvenile court jurisdiction from 17 to 18 years old. Raising the age of the juvenile court jurisdiction aligned the Commonwealth with the federal courts and 39 other states, as well as with other legal age limits currently in effect in Massachusetts. Raising the age of juvenile jurisdiction furthered the Commonwealth's efforts to comply with the federal Prison Rape Elimination Act (PREA). This law requires courts and facilities to provide sight and sound separation between adults and juveniles in order to protect young people under the age of eighteen from possible rape and sexual assault in adult holding cells and prisons. Costly construction and staffing changes in the adult facilities were not needed in Massachusetts because of the shift of youth under 18 to the juvenile system. The Department of Youth Services ("DYS") has complied with the PREA requirements and was certified by the federal government for successfully meeting the standards in its first two annual reviews.

DYS continues to work with the adult correction system to take young people charged and held on pre-trial status for first and second degree murder (an adult offense if committed by someone 14 to 18 years of age) for placement by DYS until their eighteenth birthday. These holds serve as a courtesy and relief from the logistical and cost burden of sight and sound separation for the Massachusetts Sheriffs and the Department of Correction.

Impact of Raise the Age on DYS Client Population:

DYS receives admissions in several categories including: overnight arrest, pre-trial detention, "courtesy hold status" and commitment. The following describes each admission type and the numbers of admissions to those service categories for the Raise the Age youth ages 17 to 18.

DYS 17-Year Old Alternative Lock-Up Arrest Admissions:

The first chart describes youth who have been arrested and placed in a DYS alternative lock-up program while awaiting arraignment. These lock-up programs are designed to hold youth safely overnight or for multiple nights until the next open court business day. Youth appear before a juvenile court judge for arraignment on the next court business day. At arraignment, the judge makes a decision as to whether the youth will be released from custody or have bail set on the delinquency matter, which could result in a DYS detention placement.

Arrest Admissions into DYS Alternative Lock-Up Programs (ALP):

Alternative Lock-Up Program Admissions of 17-year-olds



This chart reflects 17 year old arrest admissions by month from October 1, 2014 through September 30, 2015 into the Department's regional Alternative Lock-Up Programs (ALP). The year's admissions total 382 youth. In comparison to the first year of the law's implementation when 650 17- year- old youth were admitted to ALP, the data shows a 41% reduction in the number of admissions.

DYS 17-Year Old Detention Admissions:

Youth who appear before the juvenile court on delinquency petitions may be referred to DYS for pre-trial detention if the judge determines that they present a risk of not appearing for future court dates or if they present a danger to the community. Youth appearing in court for probation violation hearings may also be referred to DYS based on the nature of the violations.

It is important to note that in the first year of data collection related to the Raise the Age youth, DYS was unable to separate youth who were admitted to DYS detention at age 17 for violations of probation for offenses which occurred prior to age 17 from youth who were admitted to DYS detention based on offenses which occurred after age 17. As a result, DYS reported on all detention admissions over the age of 17 in the first report. During the second year of data collection, DYS modified its client information system to capture the date of arrest, which has allowed DYS to identify as a separate category, the youth who were 17 at the time of arrest and benefited from being retained in the juvenile system.

First-Time Detentions of 17-year-olds



This chart reflects pre-trial detention admissions for 17-year-old youth for the period of October 1, 2014 through September 30, 2015, for a total of 271 youth. In comparison to the first year of the law's implementation when 691 17-year old youth were admitted to detention, the data shows a 60% reduction in such admissions. Some of this reduction may be attributed to DYS adding detail to its data collection to uniquely identify the cohort of youth arrested after turning 17.

DYS 17-Year Old Commitments:

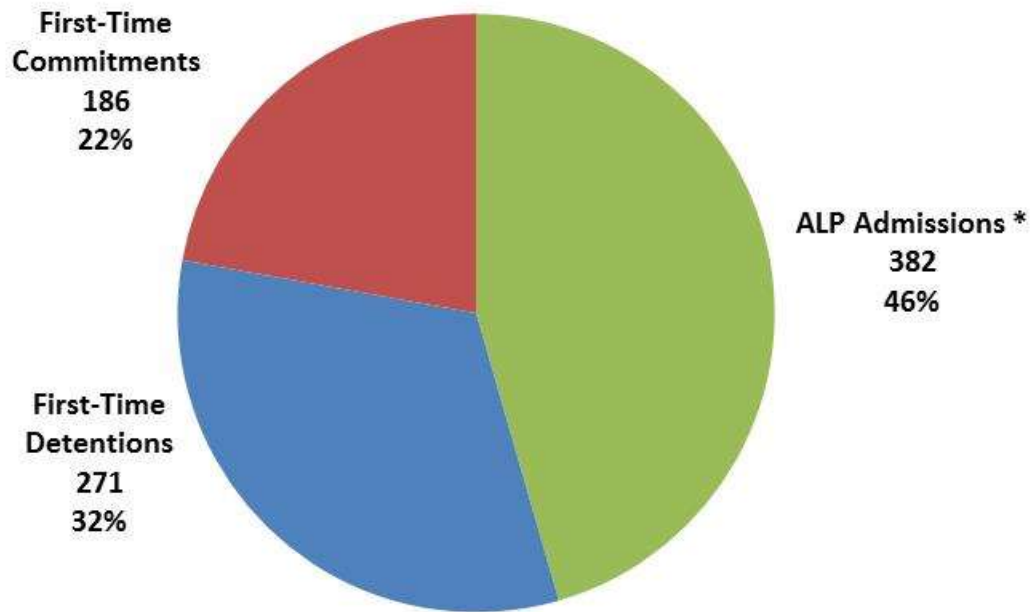
Commitment to DYS is a possible disposition for youth who have been adjudicated delinquent (i.e. found guilty) in a juvenile court proceeding. Youth are committed to DYS custody to the age of 18 or in cases processed as Youthful Offenders, to the age of 21. DYS custody includes secure and residential treatment as well as supervised transition to the community, with continued case management and supports. DYS has also offered youth the opportunity to request voluntary services from DYS after age 18 and up to the age of 21, with the goal of helping youth to sustain the gains they had made in education, employment and personal development. DYS prioritizes recidivism reduction and views this offer of voluntary services as a key component of our broader effort during their time with DYS.

First-Time Commitments of 17-year-olds



This chart reflects 17-year-old youth with their first commitment to the Department of Youth Services occurring between October 1, 2014 and September 30, 2015. During this period, there was an 11% increase from 186 youth to 165 youth when comparing the number of first commitment in the first year of the law's implementation to this second year. Comparing the trends in detention and commitment data, we see a significant decrease in the number of youth detained and a slight increase in the number of committed youth.

Raise the Age Second-Year Totals by Category



* Youths may be admitted multiple times to Alternative Lock-Up Programs.

This chart summarizes the total number of admissions in each placement category. Youths may be admitted multiple times to each category. Each admission is counted as a distinct event.

Courtesy Holds:

DYS has offered placement for adolescents between the age of 14 and 18 charged with first or second degree murder as well as Youthful Offenders under the age of 18 sentenced to adult prison. The “courtesy hold” arrangement has been in place between DYS, the County Sheriffs and to a lesser extent the Department of Correction since 1996. It entails a formal request from a County Sheriff or the Department of Corrections for DYS to hold in a juvenile facility a youth who has been charged or sentenced as an adult in a juvenile facility. Prior to implementation of the Raise the Age legislation, this arrangement applied to youth under 17. Now it extends to youth under 18. This option provides these youth with an age-appropriate and safer placement arrangement pending disposition of their court cases or their 18th birthday. From October 1, 2014 through September 30, 2015, DYS served 17 youth as courtesy holds. In the first year of the law change, from September 18, 2013 through September 30, 2014, DYS served 15 youth as courtesy holds.

Operational Challenges:

At the time of the implementation of the Raise the Age law, DYS had identified the challenge of engaging youth who come to DYS well into their 17th year with less investment in the DYS services offered because they know that they will age out of DYS care in a relatively short period of time. In the first year of the law's enactment with resources appropriated through the legislature, DYS developed two new programs offering transitional and independent living for young men. These programs have proven to be an attractive option to an older population. The law has also resulted in DYS being more measured when making placement decisions and separating younger and older teens in our programs. We continue to solicit input from older youth regarding motivation and engagement strategies, particularly in the education and employment pathways.

Budget:

The Raise the Age Legislation included additional funds for the Department of Youth Services that totaled \$15.6M in FY 2014 – FY 2015. DYS used the funds to open these additional programs:

- 18 bed staff-secure detention program for Northeast and Metro Region youth (male)
- 12 bed hardware-secure detention program for Statewide long-term detention youth, primarily courtesy holds (male)
- 6 bed independent living program for Metro Region youth (male)
- 6 bed independent living program for Southeast Region youth (male)
- 12 bed staff-secure assessment program for Southeast Region youth (male)

In FY2016, DYS completed its planned expansion in response to the Raise the Age law with the opening of a 15 bed hardware-secure detention program for Metro Region youth (male). The FY 2016 DYS budget included annualization of funding for these programs. DYS continues to monitor admissions and program utilization monthly to ensure resources align to population needs.

Youth Impact:

Raising the age of juvenile court jurisdiction conforms to a national trend in supporting young people to move into adulthood with the skills necessary to help them become contributing members of their community. DYS offers multiple educational pathways to high school diplomas, equivalency certificates, post-secondary education and vocational training. Our clinical services help young people address past trauma, substance abuse, depression and other behavioral health needs. The lens of Positive Youth Development helps us lead young people in an exploration of what is possible for the future. The ability to explore the interests and strengths that youth possess will help shape the foundation of their adult lives.

This legislative change directs 17 year olds into juvenile court for due process related to delinquency proceedings. This shift allows thousands of 17 year olds to remain free of adult criminal records and all of the obstacles associated with having an adult CORI.

Conclusion:

Since the passage of the Raise the Age law two years ago, DYS has worked to understand the needs of older teens and to create programming that will engage them in working productively with our staff. While DYS continues to work through some of the challenges associated with serving this group of youth, we have completed the expansion in our continuum to address the increase in older youth and improved our data collection for this group of young people. We believe that the change in the age of juvenile jurisdiction will have a positive impact on long term public safety through the rehabilitation of the youth that it serves. Seventeen year olds require structure, guidance, limit setting and services.